

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:)	
)	Bankruptcy No. 19-23168-CMB
JANET L. LUBISH,)	
a/k/a JANET L. WROBLE)	Chapter 7
)	
DEBTOR)	Document No.
)	
ROBERT H. SLONE, TRUSTEE,)	
)	Hearing Date: 3/8/22 @ 10:00 a.m.
vs.)	ZOOM HEARING
)	
PRA RECEIVABLES MANAGEMENT LLC, TRINITY)	
FINANCIAL SERVICES LLC, COMMERCIAL CREDIT OR))	
ITS ASSIGNS, ATLANTIC BROADBAND, GERMAN)	
TOWNSHIP SEWER AUTHORITY, PNC BANK, N.A.,)	
J.P. MORGAN CHASE, CREDIT PROTECTION)	
ASSOCIATION LP, FAYETTE COUNTY TAX CLAIM)	
BUREAU, INTERNAL REVENUE SERVICE, KML LAW)	
GROUP, PNC BANK RETAIL LENDING, SYNCHRONY)	
BANK, UPMC PHYSICIAN SERVICES, US MORTGAGE))	
RESOLUTION LLC, VERIZON, WELLS FARGO CARD)	
SERVICES, WELLS FARGO BANK, N.A., AND)	
OFFICE OF THE U.S. TRUSTEE,)	
RESPONDENTS)	

SECOND AMENDED ORDER CONFIRMING SALE OF REAL PROPERTY LOCATED AT
1579 McCLELLANDTOWN ROAD, GERMAN TOWNSHIP, McCLELLANDTOWN, PA 15468,
PARCEL NO. 15-22-0271-01

THIS ____ day of _____, 2022, upon consideration of the Trustee's Motion for Free and Clear Sale of Real Property of the Debtor to Black Diamond II, LLC for \$150,000.00, after hearing held by Zoom Video Conference this date, the Court finds:

1. That service of Motion for Sale and the Order Setting Hearing on said Motion for sale of the real property was effected on the following secured creditors whose liens are recited in said Motion for Sale, viz;

Date of Service

Name of Lienor and Security

U.S. First Class Mail
2/1/2022

Fayette County Tax Claim Bureau
61 East Main Street
Uniontown, PA 15401
Real estate taxes due

U.S. First Class Mail
2/1/2022

Fayette County Tax Claim Bureau
c/o Cheryl R. Heid, Esquire
4 North Beeson Boulevard
Uniontown, PA 15401

U.S. First Class Mail
2/1/2022

Trinity Financial Services
c/o Robert P. Wendt, Esquire
Leopold & Associates, PLLC
80 Business Park Drive, Suite 110
Armonk, New York 10504
Trinity Financial Services holds a mortgage on the Real Property as assignee of a mortgage granted to National City Bank recorded in the Fayette County Recorder of Deeds at Record Book 2905, Page 2363 on May 25, 2004 and assigned at Record Book 3423, Page 548 filed August 13, 2019.

U.S. First Class Mail
2/1/2022

German Township Sewage Authority
c/o Douglas S. Sepic, Esquire
892 Vanderbilt Road
Connellsville, PA 15425
Judgment entered August 16, 2009 at No. 90 MUN 2019, Court of Common Pleas, Fayette County, PA.

U.S. First Class Mail
2/1/2022

PNC Bank
c/o Michael T. McKeever, Esquire
701 Market Street, Suite 5000
Mellon Independence Center
Philadelphia, PA 19106
PNC Bank, National Association holds a mortgage on the Real Property as successor by merger of a mortgage granted to National City Bank recorded in the Fayette County Recorder of Deeds Office at Record Book 2822, Page 1856 on May 30, 2002. Also, PNC Bank, National Association holds a judgment against the Real Property at Fayette County Court of Common Pleas Docket No. 257 of 2019 GD entered March 19, 2019.

U.S. First Class Mail
2/1/2022

J.P. Morgan Chase
270 Park Avenue
New York, NY 10172
Attn: General Counsel

U.S. First Class Mail
2/1/2022

Wells Fargo Bank, N.A.
420 Montgomery Street
San Francisco, CA 94163
Attn: General Counsel

U.S. First Class Mail
2/1/2022

Commercial Credit Mortgage Company¹
300 St. Paul Place
Baltimore, MD 21215

U.S. First Class Mail
2/1/2022

Office of the U. S. Trustee
Liberty Center, Ste. 970
1001 Liberty Avenue
Pittsburgh, PA 15222

2. That sufficient notice of said hearing and sale, together with the confirmation hearing thereon, was given to the creditors and parties in interest by the Movant as shown by Certificate of Service duly filed and that the named parties were duly served with the Motion.

3. That the said sale hearing was duly advertised on the Court's website pursuant to W. PA. LBR 6004-1(c) on February 1, 2022, in the Fayette County Legal Journal on February 19, 2022, and in the Herald Standard on February 21, 2022, as shown by the Proof of Publications duly filed.

4. That at the sale hearing no higher offers were received and no objections to the sale were made which would result in cancellation of said sale.

5. That the price(s) of \$150,000.00 offered by Black Diamond II, LLC is a full and fair price for the property in question.

6. That the purchaser(s) is/are acting in good faith with respect to the within sale in accordance with *In Re: Abbotts Dairies of Pennsylvania, Inc.*, 788 F.2d 143 (3rd Cir. 1986).

Now, therefore, **IT IS ORDERED, ADJUDGED AND DECREED** that the sale of the real property described in the motion as 1579 McClellandtown Road, German Township, Fayette County, McClellandtown, PA 15468, Parcel No. 15-22-0271-01, is hereby **CONFIRMED** to Black Diamond II, LLC for \$150,000.00 free and divested of the liens herein described; and that the Trustee make, execute, and deliver to the purchaser(s) above-named the necessary deed(s) and/or other documents required to transfer title of the real property purchased upon compliance with the terms of the sale;

IT IS FURTHER ORDERED that the above recited liens be, and they hereby are, transferred to the proceeds of sale, if and to the extent they may be determined to be valid liens against the sold property, and that the within decreed sale shall be free, clear and divested of said liens and claims;

¹ Real Property was subject to a mortgage with Commercial Credit Mortgage Company recorded at Record Book 20, Page 147 on March 27, 1985 and Record Book 27, Page 307 recorded April 22, 1985, Recorder of Deeds Office, Fayette County, PA. Said mortgage was ultimately assigned to Washington Mutual Bank at Deed Book Volume 1668, Page 63 recorded March 18, 1996. Washington Mutual ceased operations September 26, 2008. It is believed that either Wells Fargo or J.P. Morgan Chase may have taken control of Washington Mutual Bank's operations. Further, it is believed that the said mortgage was paid but not satisfied. This mortgage is over 20 years old and is deemed to have been satisfied.

IT IS FURTHER ORDERED that the following expenses/costs shall immediately be paid at the time of closing. *Failure of the Closing Agent to timely make and forward the disbursements required by this Order will subject the closing agency to monetary sanctions*, including among other things, a fine or the imposition of damages, after notice and hearing, for failure to comply with the above terms of this *Order*. Except as to the distribution specifically authorized herein, all remaining funds shall be held by Counsel for Movant pending further Order of this Court after notice and hearing.

1. The following lien(s)/claim(s) and amounts:
 - a. Trinity Financial Services, LLC in the approximate amount of \$25,725.70, depending on the closing date;
 - b. PNC Bank, National Association in the approximate amount of \$55,137.56, depending on the closing date;
 - c. German Township Sewer Authority to be paid the amount of \$201.60 to satisfy the judgment filed at Case No. 90 MUN 2019, Court of Common Pleas, Fayette County, PA;
2. Fayette County Tax Claim Bureau in the amount of \$12,984.58 for delinquent taxes plus interest and taxes owing to the date of closing;
3. Current real estate taxes owed at the date of closing;
4. Realtor's commission of five percent (5.00%) to be paid to Stefani Lucas of Realty One Group Gold Standard per Court Order entered at Docket No. 88 approving appointment of realtor Stefani Lucas and Realty One Group Gold Standard;
5. Real Estate transfer fees; and
6. Misc. documents fees (i.e. tax certs, notary fees, lien letters, documents preparation, etc.).

IT IS FURTHER ORDERED that:

1. Within seven (7) days of the date of this Order, the Movant/Plaintiff shall serve a copy of the within Order on each Respondent/Defendant (i.e. each party against whom relief is sought) and its attorney of record, if any, upon any attorney or party who answered the motion or appeared at the hearing, the attorney for the debtor, the Closing Agent, the Purchaser, and the attorney for the Purchaser, if any, and file a certificate of service.

2. Closing shall occur within thirty (30) days of this Order.
3. Within ten (10) days following closing, the Movant/Plaintiff shall file a Report of Sale;
and
4. The Sale Confirmation Order survives any dismissal or conversion of the within case.

BY THE COURT:

CARLOTA M. BÖHM
UNITED STATES BANKRUPTCY COURT